

Date: August 5, 2021

To: Michael Regan, EPA Administrator

From: Sylvia Orduño, Michigan Welfare Rights Organization; Nayyirah Shariff, Flint Rising; Jamesa Johnson Greer, Michigan Environmental Justice Coalition; Nicholas Leonard, Great Lakes Environmental Law Center; Dr. Paul Mohai, School for Environment and Sustainability, University of Michigan; Theresa Landrum, 48217 Community; Simone Sagovac, Southwest Detroit Community Benefits Coalition; Rhonda Anderson, Sierra Club; Monica Lewis Patrick, We the People of Detroit.

Cc: Cheryl Newton, Acting Regional Administrator/Deputy Regional Administrator, EPA Region 5; Alan Walts, Director, Tribal and Multimedia Programs Office, EPA Region 5; Rosemary Enobakhare, EPA Associate Administrator for Public Engagement and Environmental Education.

Re: Detroit and Flint environmental justice leaders' priority needs and requests to address immediate public health problems and cumulative health crises in EJ our communities

As organizations who work with directly impacted residents and have been frontline leaders in the policy changes needed to establish processes for meaningful engagement, we appreciate your invitation to provide you and Region 5 leadership with a list of our environmental justice priorities for immediate resolve. Everyday we work to protect the wellbeing of residents in Michigan communities most burdened by pollution and contamination. On July 7 and July 8, 2021, you invited environmental justice (EJ) leaders in Flint and Detroit, respectively, to meet with you. As we expressed in-person, we were given little notice of the meeting, asked not to share our invitation with others, and given limited opportunity to speak on behalf of the EJ issues that burden us and the communities that we work alongside.

Our work and engagement are led by Environmental Justice and Jemez Principles. It is our hope that this administration's relationship to environmental justice communities will be one based on respect for our values and the EPA's commitment to meaningful engagement. In order to have this assurance going forward, we ask to be included in future invitation-making to be certain our impacted residents and partners have the opportunity to speak for themselves. Meetings with EPA officials should allow for adequate notice and agenda co-development, along with equitable dialogue. Beyond the logistics of engagement, the spirit of the interaction is one that we seek to see both in listening and, more importantly, *action* from the administration.

As requested by the Administrator, Detroit and Flint EJ leaders who attended the in-person meetings present this list of urgent, long-standing EJ problems in Detroit and Flint. They require immediate responses by the EPA to address dangerous cumulative health impacts in our communities and to reduce further harm and public health crises.

1. Water

- a. **Benton Harbor, MI:** First and foremost, we are compelled to draw your attention to the dire situation in this small town on the southwest coast of Lake Michigan. For the last three years, this community of 9,843 residents -- 84.7% black and with a 45.4% poverty rate -- has experienced three years of drinking water lead action level exceedances. Despite multiple efforts to seek local utility and state regulatory*

responses to corrosion control corrections, education and communication needs with residential customers, and a prioritization of lead service lines replacement, we believe Region 5 intervention is necessary. Additionally, we request that EPA provide the Benton Harbor Community Water Council with a grant of \$870,000 to provide the town's 5,800 households immediately with faucet-mounted filtration or filtered pitchers, plus extra filters, and filter installation training and support (at \$150 per household). This urgent, short-term response will provide the time and processes needed by Michigan's regulatory body (EGLE) to work with the Benton Harbor water utility to address the local drinking water safety problems, and engage Region 5 enforcement staff.

- b. **Lead Service Lines:** Detroit has up to 110,000 lead service lines (LSL) that are more than 75 years old. Flint has remaining a few hundred of nearly 30,000 lead and galvanized lead service lines to remove after a brutal seven year effort to remove the corroded drinking water lines. The pace and cost of Flint's LSL removal and replacement effort provides imperatives for Detroit and other municipalities that impact EJ communities and require the EPA's resolve:
- i. **Detroit:** Require the Detroit Water and Sewerage Department (DWSD) to prioritize the removal of LSLs across the city for the health and safety of impacted residents and not the installation of new or repair of existing water and sewage mains.
 - ii. **Detroit:** Provide grants not loans for compliance with the Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) to communities of color with high poverty levels, like Detroit and Flint -- and other former Emergency Manager cities in Detroit, e.g., Benton Harbor, Hamtramck, Highland Park, Pontiac.
 - iii. **Detroit:** Require DWSD (and water and wastewater utilities with similar low-income residential customers) to analyze and report to the EPA the economic capacity and affordability challenges of low-income customers to pay utility loan debt through rate increases, fees, and other charges to meet debt obligations through Drinking Water State Revolving Loan Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) program loans for LSL replacement and/or water, sewer and/or stormwater systems.
 - iv. **Detroit:** Examine and assess DWSD's request to Michigan's Environment, Great Lakes, and Energy (EGLE) for a 40 year extension to remove LSLs in Detroit, and provide a maximum extension level that takes into consideration children's blood lead levels from all types of lead exposure and contamination.
 - v. **Detroit:** Require DWSD to provide all residential customers at no-cost to residents with a faucet-mounted and/or refillable pitcher and replacement filters throughout the years that it takes them to remove all LSLs.
 - vi. **Flint:** Require Flint officials to remove LSLs in unoccupied yet habitable homes after the completion of LSL removal in occupied residences.
 - vii. **Flint:** Investigate the scope of household plumbing corrosion and continue tests to detect for lead and copper for at least 12 months, particularly as water and sewer main replacements and repairs continue.

- c. **Flooding:** Require DWSD and the Great Lakes Water Authority (GLWA) to report to EPA their EJ and climate justice plans to address flooding in combined sewage overflow (CSO) systems, including overflow holding tanks, pump station operations, and adequate staffing levels for public health and safety.
- d. **COVID-19 pandemic and public health protections in EJ communities:** The EPA is well aware of the devastating correlations between chronic health conditions experienced in low-income and EJ communities, and the need to ensure adequate running water and sanitation for public health protection during the pandemic. We offer these studies to expand the EPA's awareness of Detroit and similar communities' affordability, health, housing, and race disparities and solutions.
 - i. [Duke Research: Utility Shutoff and Eviction Moratoria Prevent COVID-19 Spread, Death](#)
 - ii. [The Relationship Between Water Shutoffs and COVID Infections and Deaths](#)
 - iii. [Water Shutoffs During COVID-19 and Black Lives: Case Study Detroit](#)
 - iv. [Household Water Security in Metropolitan Detroit: Measuring the Affordability Gap](#)

2. Air Quality

- a. **Mitigate cumulative health impacts:** EPA must provide resources that allow for the mitigation of cumulative health impacts (CHI) as determined through EJ Screen and other community-based measures to impacted residents.
 - i. **Detroit:** Provide grant funds for home relocation and improvement programs aimed at improving indoor air quality in areas with multiple major sources of air pollution, such as ZIP code 48217 and surrounding ZIP codes. Home improvements could include upgraded HVAC systems with high efficiency air filters, air conditioning units, and new windows in order to prevent industrial pollutants, chemicals, and diesel emissions from adjacent refineries, factories, and the international truck crossing from penetrating into houses -- thereby, reducing the long-term, chronic health exposure and conditions of residents with cancers, and chronic respiratory diseases such as chronic obstructive pulmonary disease and asthma.
- b. **School air filtration systems:** Provide grant funds for new filtration systems in Detroit and Flint K-12 schools in EJ communities with high levels of air pollution and contaminants as indicated in EJ Screen or other community-based measures.
- c. **Prioritize Considering of Health Impacts:** Require applications for new permits to industries and/or businesses in Detroit and Flint environmental justice communities to demonstrate that emissions, in combination with background concentrations and emissions from other nearby sources, will not have an unreasonable impact on public health before a permit is granted.
- d. **Develop Strategies to Reduce Pollution in Overburdened Communities.** Limiting new sources of pollution in Detroit and Flint census tracts that are already overburdened is a necessary and long overdue step in achieving environmental justice for all. It is also imperative that overburdened communities in these cities not be left out from the pollution reduction gains made nationally and regionally by major environmental legislation of the past 50 years. EPA should apply its expertise to

consider policies and strategies to make certain that pollution reduction gains are realized by *all* communities across the nation, not just some. We request a follow up discussion with EPA to develop measurable objectives to reduce pollution burdens in overburdened Detroit and Flint communities.

- e. Limit Michigan truck weights causing higher emissions: EPA should urge Michigan to conduct an analysis of the environmental impacts of having truck weight limits that are among the highest in the nation. Higher weights directly cause higher emissions which means more pollution burden and greenhouse gases, especially in high freight areas in and adjacent to EJ communities.

3. Home damages and noise pollution

- a. Detroit hosts the busiest international border crossing in North America (in trade volume) to Canada. This commercial corridor has numerous heavy industries serving oil, automotive, manufacturing, and intermodal transportation and impacted Detroit neighborhoods that were split in half with the creation of I-75 bear an inordinate amount of heavy truck traffic traversing residential streets, some with over 750 semi-trucks daily. Houses in these zones experience regular rattling and shaking from heavy truck traffic leading to cracked foundations, streets and driveways; cracked pipes and basement flooding, damaged porches and driveways, damages to appliances; and very disruptive and damaging noise pollution. EPA must ask Michigan officials to conduct an analysis of residential impacts along international truck routes in Detroit and provide repair grants based on findings.

4. Soil, brownfields, and hazardous waste

- a. **Opportunity Zone outcomes:** Require the City of Detroit and Wayne County, and the City of Flint and Genesee County, to outline and present environmental justice health improvements and outcomes in EPA Opportunity Zone brownfield clean-up grants in public meetings with EJ community residents.
- b. **Community Benefit Agreements:** Require all future Opportunity Zone grant agreements to Detroit and Flint include community benefit agreements with community-led, meaningful engagement to present needs, priorities and benefits.
- c. **Commercial Hazardous Waste Facilities:** 65% of the people living within 3 miles of a commercial hazardous waste facility in Michigan are people of color despite being only 25% of the State's population. This disparity is the worst in the country. The EPA must adopt regulations requiring state environmental agencies to account for the discriminatory siting of commercial hazardous waste facilities and requiring the denial of permit applications seeking to expand such facilities in communities of color.

Environmental justice communities are exhausted from hearing what cannot be done to protect them under existing laws. As the Administrator of the EPA, you have immense power to shape the future of the Agency and influence state agencies such as EGLE through policymaking and rulemaking. We need you to use these powerful tools to ensure the concerns of environmental justice communities are accounted for in EPA policies and regulations.

Specifically, we urge you to amend EPA regulations under existing federal environmental laws. We also urge you to reverse the EPA's woeful record regarding the implementation of Title VI of the Civil Rights Act by significantly revising the EPA's Title VI nondiscrimination regulations to require state agencies to proactively identify and address instances in which their decisions and programs are causing discriminatory effects based on a person's race, color, or national origin. These steps will do much to improve the quality of life in Detroit and Flint environmental justice communities.